IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 631 OF 2005

Shri Chandrakant Laxman Shinde ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Shri S.D. Dharmadhikari for the Applicant.
Shri R. Y. Mirza, APP for Respondent- State.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 10,2005.

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. The prosecution case is that some dispute arose between the applicant and the first informant on 16th October, 2004, which resulted in exchanging abuses and altercation. Later on, in the night on the same day, the applicant is stated to have gone to the residence of first informant and threatened him with dire consequences and assaulted the first informant with lethal weapon like sword. On the other hand, the case of the applicant is that the incident in question took place on the spur of the moment when both sides

exchanged blows and abuses. Besides, it is contended that the version of the prosecution that the applicant later on visited the house of the first informant and assaulted with sword is incorrect and belied by the injury certificate which only indicates abrasion and C.L.W. injuries caused due to hard and blunt object. If the applicant had assaulted with hard and blunt object causing abrasion and C.L.W. injuries; the prosecution case that the first informant is assaulted by sword, is not supported by the medical evidence. There is force in the submission of the applicant that cross cases have been lodged against the parties and the incident in question occurred on the spur of the moment, as that seems to plausible. More over, as investigation is complete and, there are no antecedents against the applicant, the applicant is granted bail on the following conditions :-

(a) Applicant is enlarged on bail in connection with C.R.No. 145/2004 registered with Juna Rajwada Police Station, Kolhapur on executing personal bond in the sum of Rs. 20,000/- (Rs. Twenty thousand only) with one or two local sureties in the like amount.

(b) The applicant shall not enter the jurisdiction

of Juna Rajwada Police Station, Kolhapur during the pendency of the trial. The applicant shall inform his place of residence to the investigating officer as well as to the trial court within one week from the date of his release.

(c) The Applicants shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that they are responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(d) The Applicants shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

3. Ordered accordingly.

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